

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RAYSHAWN HAYNES,)	Case No.: 1:22-cv-00536 JLT EPG
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS, GRANTING
v.)	DEFENDANTS' MOTION FOR SUMMARY
)	JUDGMENT, AND DIRECTING THE CLERK OF
F. CONTREAS, <i>et al.</i> ,)	COURT TO CLOSE THIS CASE
)	
Defendants.)	(Docs. 34, 40)

Rayshawn Haynes seeks to hold the defendants liable for violations of his civil rights while he was incarcerated at California State Prison-Wasco. Plaintiff alleges he passed out in the shower, officers then used excessive force on him, and he was given medical treatment he did not want. (*See generally* Doc. 1.) Defendants seek summary judgment on the claims against them pursuant to Rule 56 of the Federal Rules of Civil Procedure. (Doc. 34.)

Defendants contend they “responded to Plaintiff’s distress in a constitutional manner, using appropriate force and medication to ensure everyone’s safety, including Plaintiff’s.” (Doc. 34-1 at 2.) Defendants argue, “Plaintiff cannot establish that Defendants Orozco, Cloud, Luna, Cleveland, Contreras and Chan used excessive force, nor can Plaintiff establish that Dr. Rodriguez violated Plaintiff right to due process under the Fourteenth Amendment, and summary judgement should be granted.” (*Id.* at 10.) Plaintiff opposed the motion, primarily relying upon a Crime/Incident Report because “Plaintiff could not attest to due to the fact that he maintains he does not recall as a result of

1 his suffering from unconsciousness.” (Doc. 38 at 2.)

2 The magistrate judge found no genuine dispute as to any material fact regarding Plaintiff’s
3 claims and Defendants are entitled to summary judgment based on those undisputed facts. (Doc. 40
4 at 9-13.) Specifically, the magistrate judge determined Plaintiff did not identify facts that would
5 support all elements of a claim for excessive force, or “raise a question of material fact as to whether
6 Defendants used excessive force in violation of the Eighth Amendment.” (*Id.* at 10.) In addition, the
7 magistrate judge found “no material dispute of fact” as to Plaintiff’s unwanted medication claim. (*Id.*
8 at 13.) The magistrate judge determined that the undisputed facts showed “Dr. Rodriguez authorized
9 the medication in good faith, rather than for the purpose of causing harm,” and Plaintiff did not
10 identify any evidence supporting the conclusion that he was, in fact, “harmed by administration of the
11 medication.” (*Id.*) Therefore, the magistrate judge recommended Defendants’ motion for summary
12 judgment be granted. (*Id.*)

13 The Court served the Findings and Recommendations on all parties and notified them that any
14 objections were due within 30 days. (Doc. 40 at 13.) The Court advised Plaintiff that the “failure to
15 file objections within the specified time may result in the waiver of rights on appeal.” (*Id.*, citing
16 *Wilkerson v. Wheeler*, 772 F.3d 834, 838–39 (9th Cir. 2014).) Plaintiff did not file objections, and the
17 time to do so has passed.¹

18 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having
19 carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported
20 by the record and proper analysis. Thus, the Court **ORDERS**:

- 21 1. The Findings and Recommendations dated August 6, 2024 (Doc. 40) are **ADOPTED**.
- 22 2. Defendants’ motion for summary judgment (Doc. 34) is **GRANTED**.
- 23 3. The action is **DISMISSED** with prejudice.

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26 ¹ On September 12, 2024, an inmate filed a request for extension of time on Plaintiff’s behalf, reporting that
27 Plaintiff “was sent to medical” in August 2024. (*See* Doc. 41 at 1.) The Court struck the pleading because it was
28 filed neither by the pro se Plaintiff nor attorney admitted to practice before the Eastern District. (Doc. 42.)
Nevertheless, the Court notes that more than 70 days have now passed since the Findings and Recommendations
were issued, and no objections were filed.

1 4. The Clerk of Court is directed to close this case.

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3 IT IS SO ORDERED.

4 Dated: **October 18, 2024**


UNITED STATES DISTRICT JUDGE